



ORIGINAL

ECHOSTAR SATELLITE CORPORATION
A Part of the EchoStar Group of Companies

August 27, 2003

VIA HAND DELIVERY

Marlene H. Dortch
Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20054

RECEIVED

AUG 27 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

97-80

Re: Ex Parte Notice – Cable-CE MOU, FCC 03-3

Dear Ms. Dortch,

Pursuant to Section 1.1206 of the Commission's rules, EchoStar Satellite Corp. ("EchoStar") hereby submits this ex parte notice to report that the undersigned had a telephone conversation with Anthony J. Dale of Commissioner Martin's office yesterday, August 26, 2003. In that conversation, EchoStar discussed the contents of the presentation attached hereto.

An original and two copies of this notice and the attached presentation are being filed today with the Commission. If you have any questions concerning this notice, please do not hesitate to contact the undersigned.

Respectfully submitted,

David R. Goodfriend
Director, Legal and Business Affairs
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David K. Moskowitz
Senior Vice President and
General Counsel
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cc: Anthony J. Dale

Enclosure

NOTED
AUG 27 2003

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Presentation to FCC Staff

On the matter of proposed Cable-CE MOU, FCC 03-3

Overview



Business Plan approval process problems

- Stifles innovation and diminishes rewards for innovation
- Interferes with Patent process
- Matches cable business practices and infrastructure (bona fide trial), not DBS; would add to FCC workload
- MOU defines narrow scope of 7 business models, we already have more

Overview



MOU should apply to cable and CE alone

- DBS industry was shut out of negotiations, biased against DBS
- DBS tuner requirements would differ from cable's
- No access to POD technology offered for DBS, only for CE
- Not needed (DOCSIS)
- Decreases competitive differences
- Commission does not have clear authority to apply to DBS

Overview



MOU should be more flexible

- Fails to mention required standards
- Creates barrier to innovations such as MPEG-4, ethernet, other future technologies
- Either DTCP license agreement conflicts with proposed rules, or else there are no teeth in the proposal